

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 7605 of 2015

Date of Decision: February 26 , 2019.

Saroj Devi and others

..... APPELLANT (s)

Versus

Major Singh and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashok K.Sharma Bhana, Advocate
for the appellants.

Mr. Paul S.Saini, Advocate
for respondent No.2.

Mr. Sansar Kundu, Advocate
for respondent No.3.

Mr. Amit Kundra, Advocate
for respondent No.4.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Hisar (for short, “the Tribunal”) vide award dated 17.07.2014.

A petition under Section 166 of the Motor Vehicles Act, 1988 was

filed by the appellants claiming compensation of ₹20,00,000/- on account of death of Bharat Singh in a motor vehicle accident which took place on 07.12.2010 due to rash and negligent driving of offending car bearing registration No.HR-02P-6258 by its driver Ram Chander. Learned Tribunal on consideration of the facts and evidence on record, while concluding that the deceased – Bharat Singh lost his life in a motor vehicle accident which took place on 07.12.2010 due to the rash and negligent driving of offending car No.HR-02P-6258 by its driver-Ram Chander, awarded a total sum of ₹9,92,000/- as compensation to the appellants vide impugned award dated 17.07.2014. The deceased was 45 years old at the time of the accident. Learned Tribunal assessed income of the deceased to be ₹4,500/- per month. Deduction to the extent of 1/4th was effected on account of personal expenses and multiplier of 14 was applied. ₹1,00,000/- each was awarded to appellants No.2 to 4 on account of loss of love and affection. Another sum of ₹1,00,000/- was awarded to appellant No.1 on account of loss of consortium, besides, ₹25,000/- towards funeral expenses. Aggrieved of the quantum of compensation, present appeal has been filed by the claimants for enhancement of the same.

Heard learned counsel for the parties and have gone through the file.

It is argued by learned counsel for the appellants that income of the deceased has been wrongly assessed by the learned Tribunal. However, learned counsel is unable to point out any evidence on record to indicate that the deceased – Bharat Singh was earning an income higher than ₹4,500/- per month as assessed by the learned Tribunal. It is noticed that appellant No.1 – Saroj Devi while testifying as PW1 simply stated that Bharat Singh was earning a sum of

₹15,000/- per month from agricultural work. However, there is no evidence on record to substantiate such a claim. Minimum wages in the State of Haryana in December 2010 for an unskilled labour were ₹4,348/- per month. Therefore, income of the deceased has been rightly assessed by the learned Tribunal as ₹4,500/- per month.

Doubtlessly, increment of 25% on account of future prospects should have been awarded in terms of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680**, but it is relevant to note that compensation under the conventional heads has been awarded beyond the amounts as laid by the Hon'ble Supreme Court in Pranay Sethi's case (supra) and **Vimla Devi and others v. National Insurance Company Ltd. and another, 2019(1) RCR(Civil) 86**. Therefore, even if the compensation is reworked in view of the aforesaid judgments of the Hon'ble Supreme Court after affording the increment on account of future prospects, the amount arrived at is less than ₹9,92,000/-, which has been awarded to the appellants by the learned Tribunal. In this view of the matter, it is apparent that no ground is made out for any enhancement of the compensation awarded to the appellants by the learned Tribunal.

No other argument has been raised.

There is a delay of 13 days in refiling and 271 days in filing of the present appeal. Keeping in view the fact that the matter has been decided on merits, the question of delay in filing and refiling of this appeal has been rendered academic. Applications are accordingly disposed of.

Learned counsel for the appellants is unable to point out any

infirmity, illegality or perversity in the impugned award dated 17.07.2014 passed by the Motor Accident Claims Tribunal, Hisar which calls for any interference by this Court.

Consequently, this appeal is dismissed with no order as to cost.

February 26 , 2019.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No